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Application No. : **2,498,082**
Owner : RESEARCH IN MOTION LIMITED
Title : METHOD AND SYSTEM FOR MANAGING UNREAD
ELECTRONIC MESSAGES
Classification : G06Q 10/00 (2006.01)
Your File No. : **PAT 58802-1**
Examiner : Ryan Reynolds

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE PATENT RULES. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(e) OF THE PATENT ACT, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined as originally filed.

The number of claims in this application is 18.

Non Statutory Subject Matter

Subject matter objections may be made to either the form or the substance of claimed matter. To identify the substance, or essence, of claimed matter, it first must be determined what, according to the application, has been discovered. If patentable subject matter has not been discovered and disclosed, or does not form the substance of the claimed matter, the mere form of the claims cannot make it into a patentable invention.

The subject matter recited in claims 1-10 of this application pertains to a method of managing unread electronic messages by providing an indication of the presence of unread electronic messages, enabling scanning of the unread electronic messages received without reading and altering the indication to provide an annunciation that some of the unread electronic messages received are new electronic messages. This points to the layout, display and appearance of information (as outlined in Figures 5-9 of the present application) as the focus of the application.

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Subject matter which resides in the same category as a system of doing business, a method of accounting or a plan for a more efficient way of conducting some kind of business (i.e. managing unread electronic messages) that does not amount to any mechanical advantage or material product will be rejected.

Moreover, claims 1-10 recite the features of generating an indication that some of the unread electronic messages received are new electronic messages that have been received since the unread electronic messages were last scanned, wherein generating an indication of the presence of unread electronic messages comprises providing a visual display indicating the presence of unread electronic messages, providing an icon indicating the presence of unread electronic messages received, providing a visual indication of a count of unread electronic messages received and altering the visual display by bolding, flashing, and changing the size or the colour of the count of unread electronic messages received. These features pertain to the layout, display and appearance of information which does not lie within a field of technology. In addition, these features are considered to have solely intellectual connotations for the user. Subject matter in which the substance of essence lies solely in the intellectual meaning or appearance of information is unpatentable.

Therefore, the discovery behind , or essence of, the matter in claims 1-10 falls outside the categories of invention outlined in Section 2 of the *Patent Act*, and is objected to as such.

Reference Applied

D1: CA 2 503 528

Filed: 31 October 2002

Dam Nielsen et al.

Published: 13 May 2004

Novelty

Claims 1-18 do not comply with paragraph 28.2(1)(c) of the Patent Act. The subject matter defined in these claims was disclosed in co-pending application D1, which was filed prior to the claim date.

With respect to claim 1, D1 discloses:

A method of managing unread electronic messages (Figures 2-7) comprising the steps of:

providing an indication of the presence of unread electronic messages received (page 1, line 15 - page 2, line 2, "envelope icon remains visible on the display as long as there are unread messages in the mobile terminal");

enabling scanning of the unread electronic messages received without reading (page 4, line 30 - page 5, line 6, "the user can easily see who has sent the message without doing anything but looking at the display and then deciding whether to read the message now or later"); and

altering said indication to provide an annunciation that some of the unread electronic messages received are new electronic messages that have been received since the unread electronic messages received were last scanned (page 5, line 30 - page 6, line 5; page 11, line 23 - page 13, line 31; Figures 2-7).

All of the features of claim 1 have been shown by D1 and as such this claim lacks novelty in view of D1.

With respect to claim 2, D1 discloses wherein the step of providing an indication of the presence of unread electronic messages received comprises providing a visual display indicating the presence of unread electronic messages received (Figures 2-7, items 202, 204, 304).

With respect to claim 3, D1 discloses wherein the step of altering said indication to provide an annunciation that some of the unread electronic messages received are new electronic messages comprises altering the visual display (Figures 2-7, items 202, 204, 304, 316).

Claim 4 recites similar features to those recited in claim 1, however, recites the additional feature wherein providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received, which is disclosed in D1 (Figures 2-7, items 204, 304, 316, 416, 516).

With respect to claims 5-7, D1 discloses the features of altering the icon by means of flashing, bolding and changing the size or colour of the icon (page 6, lines 1-4; page 13, lines 6-8), adding indicia of new electronic messages received (Figure 2-7) and providing a visual indication of a count of unread electronic messages received (Figures 2-7).

All of the features of claims 2-7 have been shown by D1 and as such these claims lack novelty in view of D1.

Claims 8-10 do not present any additional features over those recited in claims 1-7 and as such lack novelty in view of D1, for the reasons stated above.

Claims 11-18 recite nearly identical subject matter to that recited in claims 1-10, however, in terms of a system. As such, these claims lack novelty in view of D1, for the reasons stated above with respect to claims 1-10.

Non Prior Art Deficiencies

Claims 1-4, 8, 9 and 16 are indefinite and do not comply with subsection 27(4) of the Patent Act.

In claim 16, the expression "adjacent the count of unread electronic messages" is ambiguous and causes a lack of clarity. It appears as though the expression is grammatically incorrect and should read "adjacent to the count of unread electronic messages".

The second introduction (use of an indefinite article) of an element already introduced causes ambiguity. The terms:

- "an indication" (claim 1, line 2; claim 2, line 1; claims 4 and 8, lines 6 and 9)
- "a visual display" (claim 2, line 2; claim 9, line 1)
- "an annunciation" (claim 3, lines 1-2)

have been defined previously in the claims. The aforementioned terms should therefore be referred to using a definite article.

The following clerical errors are noted:

- In Figure 4, item 33, the term "massages" should read "messages".
- It appears as though claim 9 should be made dependent on claim 8.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

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